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1987

# c 13 Architects Amendment Act, 1987

Ontario

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## CHAPTER 13

### **An Act to amend the Architects Act, 1984**

*Assented to February 12th, 1987*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 1 of the *Architects Act, 1984*, being chapter 12, is amended by adding thereto the following clause:**

(oa) “indemnity plan” means an indemnity plan established under subsection 40 (2).

**2. Subsection 7 (1) of the said Act is amended by adding thereto the following paragraphs:**

26a. requiring members, holders of certificates of practice or holders of temporary licences, or all of them, through participation in an indemnity plan, to obtain and maintain an indemnity against liability that may be incurred in the practice of architecture and prescribing the minimum amounts of such indemnity;

26b. exempting, subject to such terms and conditions as may be set out in the regulations, any class of members, holders of certificates of practice or holders of temporary licences from the requirement to participate in an indemnity plan and classifying members, holders of certificates of practice or holders of temporary licences for the purposes of any such exemption.

**3. Subsection 8 (1) of the said Act is amended by adding thereto the following paragraph:**

24a. requiring the payment and remittance of premiums and deductibles for members, holders of certificates of practice and holders of temporary licences and prescribing levies that shall be paid by members of the Association, holders of certificates of practice

and holders of temporary licences in respect of an indemnity provided under an indemnity plan.

**4. Section 28 of the said Act is amended by adding thereto the following subsections:**

Cancellation  
for failure to  
pay  
premiums,  
etc.

(3) The Registrar may cancel a licence, certificate of practice or temporary licence for non-payment of any premium, levy or deductible in connection with insurance against professional liability or in respect of participation in an indemnity plan, or, where the holder of the licence, certificate of practice or temporary licence has not applied to participate in the indemnity plan or ceases to meet the terms and conditions of exemption from participation in an indemnity plan, after giving the member or holder at least ten days notice of the default and intention to cancel, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of the member's or holder's professional conduct while a member or holder.

Reinstatement

(4) A person who was a member or a holder of a certificate of practice or temporary licence whose licence, certificate of practice or temporary licence was cancelled by the Registrar under subsection (3) is entitled to have the licence, certificate of practice or temporary licence reinstated upon payment of all unpaid premiums, levies and deductibles and upon satisfying any other requirements prescribed by the regulations.

**5. Section 40 of the said Act is repealed and the following substituted therefor:**

Professional  
liability  
insurance,  
indemnity  
plan

**40.—**(1) No member of the Association, holder of a certificate of practice or holder of a temporary licence shall engage in the practice of architecture,

- (a) unless insured against professional liability in accordance with the regulations or in accordance with arrangements made under clause (2) (a);
- (b) unless, where required by the regulations, the member or holder participates in an indemnity plan; or
- (c) unless exempted by the regulations from the requirements of clauses (a) and (b).

Idem

(2) The Association,

- (a) may make arrangements respecting insurance against professional liability for members of the

Association, holders of certificates of practice and holders of temporary licences;

- (b) may establish, maintain and administer an indemnity plan to provide an indemnity against professional liability for members of the Association, holders of certificates of practice and holders of temporary licences.

(3) The Association may set premiums and establish levies in respect of indemnity plans and arrangements under subsection (2) and prescribe terms and conditions in relation to any such indemnity plan or arrangement. Premiums

(4) The *Insurance Act* does not apply in respect of an indemnity plan. Non-application of R.S.O. 1980, c. 218

**6. Section 51 of the said Act is repealed and the following substituted therefor:**

**51.—**(1) No action or other proceeding for damages shall be instituted against the Association, a member of the Council, a member of the Association, a member of a committee of the Association, the chairman or any other member of the Joint Practice Board or an officer, employee, agent or appointee of the Association for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act or the *Professional Engineers Act, 1984*, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power. Immunity 1984, c. 13

(2) Every person who is a member of the Council, a member of the Association, a member of a committee of the Association, the chairman or other member of the Joint Practice Board or an officer, employee, agent or appointee of the Association, and the person's heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Council, from time to time and at all times, be indemnified and saved harmless out of the funds of the Association, from and against, Indemnification

- (a) all costs, charges and expenses whatsoever that the person sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against the person, for or in respect of any act, deed, matter or thing whatsoever, made, done or committed by the person, in the performance or intended performance of a duty or in the exercise or in the intended exercise of a power under this Act

1984, c. 13

or the *Professional Engineers Act, 1984*, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power or otherwise in or about the execution of such duties; and

- (b) all other costs, charges and expenses that the person sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by the person's own wilful neglect or default.

Commence-  
ment

**7. This Act comes into force on the day it receives Royal Assent.**

Short title

**8. The short title of this Act is the *Architects Amendment Act, 1987*.**